

U.S. Patent Application No. 09/838,979
Response to Office Action dated: January 9, 2008
Response Dated: July 2, 2008

REMARKS/ARGUMENTS

Claims 5, 12 and new claims 15-19 are pending in the application.

Reconsideration is respectfully requested in view of the above amendments and the following remarks.

Applicant acknowledges that the Examiner has considered the subject matter of claim 14 to be patentable. Claim 14, a dependent claim, has been rewritten in independent form as new claim 15 to include the subject matter of claim 14 and claim 13 from which it depended. New claim 16 depends from claim 15 and has been added to round out coverage for the invention. This claim is fully supported by the specification (see published specification, par. [0028]), and no new matter has been introduced. New claims 17-19 are apparatus claims, and are included to round out coverage for the Applicant's invention. New claim 17 includes the features similar to those recited in allowable claim 14 (now new claim 15).

Claims 7-14 stand rejected under 35 U.S.C. 101 as being directed to non-statutory subject matter. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

The Examiner has indicated in the rejection that the claims are considered to have a final result of reporting results to a results evaluator, and from a results evaluator to a reporter.

Applicant has rewritten allowable claim 14 as new claim 15. Claim 15 (as did original claim 14) includes the step of "communicating an alert from said reporter to a

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recipient". Applicant submits that this step of communicating from the reporter does constitute patentable subject matter.

In addition, new claim 17, an apparatus claim, recites an "apparatus comprising an article of manufacture including computer storage media that implements code". New claim 17 is believed to recite statutory subject matter.

For these reasons, the claims are believed to overcome the section 101 rejection, and reconsideration is requested.

Claims 1-4, 6 and 13 stand rejected under 35 U.S.C. 102(e) as being anticipated by Nachenberg (6,851,057). This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection is respectfully requested.

Claims 1-4, 6 and 13 have been canceled. Accordingly, this rejection is moot.

Claims 5 and 7-12 stand rejected under 35 USC 103(a) as being unpatentable over Nachenberg, in view of Shieh et al. This rejection is respectfully but strenuously traversed and reconsideration and a withdrawal of the rejection are hereby requested.

Claim 5 has been amended to depend from new claim 15 (previous claim 14, an allowable claim, rewritten in independent form). Claim 12 has been amended to depend from new claim 17, which is an apparatus claim. Claims 7-11 have been canceled. Accordingly, this rejection is moot.

Applicant, in view of the reasons set forth above, hereby respectfully requests reconsideration and a withdrawal of all outstanding objections and rejections.

In the event that further matters remain, the Examiner is invited to telephone the Applicant's undersigned representative to discuss them.

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In the event an extension or further extension of time is required, one is respectfully requested, and the Commissioner is hereby authorized to charge the Applicant's undersigned representative's deposit account for any fees which may be required in connection with any extension or the filing of this amendment/response.

Respectfully submitted,
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